

**REMARKS**

Applicant's Attorney thanks the Examiner in charge of the instant case for the courtesy of the interview held on January 26, 2005 wherein this case was discussed at length. This amendment includes the changes discussed at the interview and is believed to place the case in condition for allowance.

The indication of allowability of claims 16 and 17 is acknowledged. Allowed claim 17 has been retained in this amendment and claim 16 rewritten in independent form as new claim 24. Moreover, the language of claim 24 has been clarified to correct the ambiguity pointed out by the Examiner at the interview. It is respectfully submitted that claim 24 should now be allowable.

Generic claim 1 has been amended herein to more specifically define the features thereof. Thus, amended claim 1 now specifies

- top and bottom elongated recessed cylindrical bands above and below the panels,
- the discontinuities in the top band are each positioned over a central portion of an adjacent vacuum panel,
- the top band extends over the major portion of an adjacent vacuum panel, and
- more uniform flexing is provided in the vacuum panels.

Applicants courteously submit that the combination of features in generic claim 1 is highly advantageous and not at all taught or suggested by the art.

The Vaillencourt et al. '946 patent includes top and bottom elongated bands above and below the vacuum panels, but both bands are continuous. There is no suggestion here whatever for Applicants' discontinuities in the upper band.

The Tobias reference shows discontinuous upper and lower bands, with the discontinuities extending over the major portion of the vacuum panels.

The other references are even farther afield.

Applicants respectfully submit that there is no suggestion whatever in the art for Applicants' claimed features, including the continuous lower band and discontinuous upper band as defined.

Moreover, Applicants' construction is not only quite novel but is highly advantageous.

As pointed out on the bottom of page 8 of the instant specification, the present construction provides greater support and makes the bottles desirably rigid in a hot fill situation. The upper discontinuities provide strengthening for the upper portion, and the present construction provides more uniform flexing of the vacuum panels in a hot fill situation.

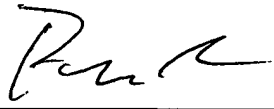
In addition and significantly, the herein claimed placement of the discontinuity in the upper band is important to equal out the amount of side load that the bottles can withstand in the upper and lower label panel area during filling and general handling. The full, non-interrupted lower band is important due to the distance the plastic stretches before contacting the blow mold. Moreover, the continuous lower band provides a greater hoop strength than the interrupted upper band; however, because the upper band is close to the waist area, the upper band may provide too much hoop strength and the side wall may deform in a non-uniform manner. The lower label panel movement is greater than the upper panel movement when being handled and labeled. Non-uniform movement in the lower panel could lead to misaligned labels, slower label speeds, and general labeling issues along with the potential for the lower panel to be deformed while the upper panel remains constant. The construction of the present invention with the discontinuities only in the upper band solves this significant problem and allows the upper band to flex in a manner substantially equal to the lower band. Therefore both the upper and lower label panels can move inwardly when pressure is applied with essentially the same resistance. This is believed to be quite significant, highly advantageous, and not at all suggest by the art.

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Accordingly, Applicant respectfully submits that the claims herein define patentably over the art. Favorable reconsideration is courteously solicited.

Respectfully submitted,

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